

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

REBECCA BYBEE,

Plaintiff,

v.

C-1-01-623

PROCTER & GAMBLE COMPANY,

Defendant.

ORDER

This matter is before the Court upon plaintiff Rebecca Bybee's motion for judgment on the pleadings and for sanctions (doc. 62) and defendant Procter & Gamble's motion for judgment on the pleadings or, in the alternative, motion for entry of judgment on the merits (doc. 64). A hearing on the motions was held on March 9 and 10, 2005. Pursuant to the record established at the hearing and the statements made into the record, plaintiff's motion for judgment on the pleadings and for sanctions is **DENIED**. Defendant's motion for entry of judgment on the merits is **GRANTED**, and the decision of the Administrator is **AFFIRMED**. Defendant has withdrawn its request for attorney fees, and there will be no award of attorney fees in the case. This case is **DISMISSED** and is **TERMINATED** on the docket of the Court.

IT IS SO ORDERED.

S/ Herman J. Weber

HERMAN J. WEBER
SENIOR JUDGE, UNITED STATES DISTRICT COURT

J:\HJWA\01-623ord.wpd